

ORIGINAL
FILED
08 APR -1 AM 9:48
CLERK OF DISTRICT COURT
SANTA CRUZ, CALIFORNIA

JOSEPH P. RUSSONIELLO (CNB 44332)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
NEILL T. TSENG (CSBN 220348)
Assistant United States Attorney

E-filing

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7155
Facsimile: (415) 436-6748
Email: ntseng@usdoj.gov

Attorneys for Federal Defendants
William Ardren and US Fish & Wildlife Services

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAFA ABDULHAMID AND
AFAF STOWELL,

Plaintiffs,

v.

WILLIAM ARDREN AND
US FISH & WILDLIFE SERVICES,
and DOES 1 through 10,

Defendants.

CV 08

1737

NOTICE OF REMOVAL

PVT

TO: Clerk, Superior Court of California
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

James C. Almeida
Woodall & Almeida
1607 Ocean Street, Suite 7
Santa Cruz, CA 95060

PLEASE TAKE NOTICE that on this day Case No. CV159568 pending in Santa Cruz County Superior Court is being removed to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1441(a), 1441(b), 1441(f), 1442(a)(1), and 2679(d)(2), on behalf of federal defendants William Ardren and US Fish & Wildlife Services. Upon direction by the Attorney General of the United States, the undersigned attorneys hereby present the following facts to

NOTICE OF REMOVAL
Abdulhamid, et al. v. Ardren, et al.

1 the Judges of the United States District Court for the Northern District of California.

2 1. On February 26, 2008, plaintiffs Safa Abdulhamid and Afaf Stowell filed a Complaint for
3 Personal Injury and Property Damage in Santa Cruz County Superior Court. Plaintiffs were involved
4 in a motor vehicle accident with William Ardren, a US Fish & Wildlife Services employee, on or
5 about June 23, 2006 in Santa Cruz, California.

6 2. On March 3, 2008, the US Fish & Wildlife Services were served with a copy of the
7 Summons and Complaint. Copies of the Summons, and Complaint are attached as Exhibit A
8 pursuant to 28 U.S.C. § 1446(a), which constitute the only process, pleading, or order which have
9 been received. No trial has been had in this action.

10 3. This action is one which may be removed to the district court for the reason that: (a) the
11 plaintiffs seek judgment for damages resulting from the allegedly negligent operation of a motor
12 vehicle by a federal employee; and (b) at the time of the alleged accident, the federal employee was
13 acting within the scope of his employment as an employee of the US Fish & Wildlife Services within
14 the meaning of 28 U.S.C. § 2679(d)(2).

15 4. Upon certification by the Attorney General, the action shall be removed to the District
16 Court at any time prior to trial. Pursuant to written delegation from Joseph P. Russoniello, the duly
17 appointed United States Attorney for the Northern District of California, the Chief of the Civil
18 Division has been authorized to exercise on behalf of the United States Attorney the authority vested
19 in him by the Attorney General, pursuant to 28 C.F.R. § 15.3. The Chief of the Civil Division has
20 certified that William Ardren was acting within the course and scope of his employment with the US
21 Fish & Wildlife Services. See Certification Pursuant to 28 U.S.C. § 2679(d). This certification is
22 conclusive for purposes of removal. 28 U.S.C. § 2679(d)(2).

23 5. Upon removal the United States is automatically substituted for William Ardren, and this
24 action will proceed as an action against the United States of America pursuant to 28 U.S.C. § 1346(b)
25 subject to the limitations and exceptions applicable to those actions. 28 U.S.C. § 2679(d)(4).

26 6. This action is also being removed to the United States District Court on behalf of the US
27 Fish & Wildlife Services pursuant to 28 U.S.C. §§ 1441(a), 1441(b),] 1441(f), and 1442(a)(1).
28 Original jurisdiction lies in a federal forum under 28 U.S.C. § 1331 (civil actions arising under the

1 Constitution, laws or treaties of the United States), and other applicable authorities, including, but not
2 limited to, the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671, et seq.

3 7. A copy of this Notice is being filed with the Clerk of the Santa Cruz County Superior
4 Court. That filing will automatically effect the removal of the action in its entirety to this Court for
5 all future proceedings.

6 Respectfully submitted,

7 JOSEPH P. RUSSONIELLO
8 United States Attorney

9 Dated: April 1, 2008

10 By:


11 NEILL T. TSENG
12 Assistant United States Attorney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

William Ardren, US Fish & Wildlife Services, and Does 1 to 10,
inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Safa Abdulhamid and Afaf Stowell

SUM-100

FOR COURT USE ONLY
(S O L O P A R A U S O D E L A C O R T E)

FILED

FEB 26 2008

ALEX CALVO, CLERK
BY MICHELLE IRIS
DEPUTY, SANTA CRUZ COUNTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen este citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

Unlimited Jurisdiction District

701 Ocean Street, Santa Cruz, CA 95060

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

James C. Almeida (Bar # 180906)

Woodall & Almeida

1607 Ocean Street, Suite 7, Santa Cruz, CA 95060

DATE:

(Fecha) **FEB 26 2008**

ALEX CALVO

Clerk, by
(Secretario)

CASE NUMBER:
(Número del Caso):

CV159568

Phone No.: (831) 458-4267

Fax No.: (831) 458-5037

MICHELLE IRIS

Deputy
(Adjunta)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **US FISH & WILDLIFE SERVICES**

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.80 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.80 (authorized person)

- ☒ other (specify): **CCP 416.50 (Public Entity)**

4. ☒ by personal delivery on (date): **3/3/08**

accepted for official use by the court clerk on 3/3/08

03/04/2008 09:55 FAX

003/013

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James C. Almeida (State Bar # 180906) Woodall & Almeida 1607 Ocean Street, Suite 7 Santa Cruz, CA 95060 TELEPHONE NO: (831) 458-4267 FAX NO. (Optional): (831) 458-5037 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <div style="font-size: 48pt; text-align: center;">FILED</div> <div style="text-align: center;">FEB 26 2008</div> <div style="text-align: center;">ALEX GALVO, CLERK BY MICHELLE IRIS DEPUTY, SANTA CRUZ COUNTY</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ STREET ADDRESS: 701 Ocean Street MAILING ADDRESS: 701 Ocean Street CITY AND ZIP CODE: Santa Cruz 95060 BRANCH NAME: Unlimited Jurisdiction		
PLAINTIFF: Safa Abdulhamid and Afaf Stowell DEFENDANT: William Ardren and US Fish & Wildlife Services		
<input checked="" type="checkbox"/> DOES 1 TO 10 COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: <div style="font-size: 24pt;">CV159568</div>

1. Plaintiff (name or names): **Safa Abdulhamid and Afaf Stowell**
 alleges causes of action against defendant (name or names): **William Ardren and US Fish & Wildlife Services**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **4**
3. Each plaintiff named above is a competent adult
 - a. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

03/04/2008 09:58 FAX

004/013

PLD-PI-001

SHORT TITLE: Abdulharnid v. Ardren	CASE NUMBER:
---	--------------

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name law.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): US Fish & Wildlife Services c. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(3) ☐ an unincorporated entity (describe):

(4) ☒ a public entity (describe):

(4) ☐ a public entity (describe):

A Bureau of Dept of Interior

(5) ☐ other (specify):

(5) ☐ other (specify):

b. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

d. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. ☒ Doe defendants (specify Doe numbers): 6-10 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.

b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☒ Injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (specify):

9. ☐ Plaintiff is required to comply with a claims statute, and

a. ☐ has complied with applicable claims statutes, or

b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Abdulhamid v. Ardren

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☐ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

a-f, MV1, MV2

Date: February 19, 2008

James C. Almeida

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(1)

SHORT TITLE: Abdulhamid v. Ardren	CASE NUMBER:
--	----------------------

FIRST

(number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Safa Abdulhamid and Afaf Stowell

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): June 23, 2006

at (place): On Laurel Street at the intersection of Cedar Street, City of Santa Cruz, County of Santa Cruz, State of California

MV- 2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names): William Ardren

☒ Does 1 to 10

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): US Fish & Wildlife Services

☒ Does 1 to 10

c. ☐ The defendants who owned the motor vehicle which was operated with their permission are (names):

☐ Does to

d. ☒ The defendants who entrusted the motor vehicle are (names): U S Fish & Wildlife

☒ Does 1 to 10

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): William Ardren

☒ Does 1 to 10

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are ☒ listed in Attachment MV-2f ☐ as follows:

☒ Does 1 to 10

Page 4

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James C. Almeida (State Bar # 180906) Woodall & Almeida 1607 Ocean Street, Suite 7, Santa Cruz, CA 95060 TELEPHONE NO.: (831) 458-4267 FAX NO.: (831) 458-5037 ATTORNEY FOR (NAME): Plaintiffs		FOR COURT USE ONLY FILED FEB 26 2008 ALEX CALVO, CLERK BY MICHELLE IRIS DEPUTY, SANTA CRUZ COUNTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ STREET ADDRESS: 701 Ocean Street MAILING ADDRESS: 701 Ocean Street CITY AND ZIP CODE: Santa Cruz 95060 BRANCH NAME: Unlimited Jurisdiction		
CASE NAME: Abdulhamid v. Ardren		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: CV159568 JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other P/DP/WD (23) Non-P/DP/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): ONE (1)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 19, 2008

James C. Almeida

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

JS 44 (Rev. 12/07) (and rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

Safa Abdulhamid and Afaf Stowell

DEFENDANTS

William Ardren and US Fish & Wildlife Services, and DOES 1 through 10

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

James C. Almeida (831) 458-4267
Woodall & Almeida
1607 Ocean Street, Suite 7
Santa Cruz, CA 95060

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Neill T. Tseng (415) 436-7155
U.S. Attorney's Office
450 Golden Gate Ave., PO Box 36055
San Francisco, CA 94103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 630 Liquor Laws	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		SOCIAL SECURITY	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract		PRISONER PETITIONS	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 550 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	CIVIL RIGHTS	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other		IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
			<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
- Transferred from ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC §§ 1441(a), 1441(b), 1441(f), 1442(a)(1), and 2679(d)(2)

Brief description of cause:

Removal of state court action against William Ardren

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND

☒ SAN JOSE

DATE 4/1/08

SIGNATURE OF ATTORNEY OF RECORD

Neill